

Filed Under Seal

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** 20cr225 MMB
v. : **DATE FILED:**
SAMIR MATEEN : **VIOLATIONS:**
: **18 U.S.C. § 371 (conspiracy – 1 count)**
: **18 U.S.C. § 924(a)(1)(A) (knowingly**
: **making false statements to a federal**
: **firearms licensee – 11 counts)**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Auger Precision Arms possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal laws.
2. Bubbee’s Gun and Sport possessed a FFL and was authorized to deal in firearms under federal laws.
3. Steele’s Arms possessed a FFL and was authorized to deal in firearms under federal laws.
4. Tech Ops International possessed a FFL and was authorized to deal in firearms under federal laws.
5. Backwoods Outfitters possessed a FFL and was authorized to deal in firearms under federal laws.

6. N.M. possessed a FFL and was authorized to deal in firearms under federal laws.

7. Drumbore Sales possessed a FFL and was authorized to deal in firearms under federal laws.

8. Scott's Guns and Ammo possessed a FFL and was authorized to deal in firearms under federal laws.

9. J.R. possessed a FFL and was authorized to deal in firearms under federal laws.

10. Blue Ridge Outfitters possessed a FFL and was authorized to deal in firearms under federal laws.

11. Haycock Hollow Arms possessed a FFL and was authorized to deal in firearms under federal laws.

12. Petronio Family Firearms possessed a FFL and was authorized to deal in firearms under federal laws.

13. Eagle Arms Sport Shop possessed a FFL and was authorized to deal in firearms under federal laws.

14. RJ Welch Firearms possessed a FFL and was authorized to deal in firearms under federal laws.

15. FFL holders are licensed, among other things, to sell firearms. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms.

16. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473 ("Form

4473”). Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The buyer is required to include his or her home address. Also, Question 11.a. of the Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. The Form 4473 contains the following language in bold type: **“Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.”** In the certification section of the Form 4473, the actual buyer must certify that his or her answers to the questions on the form are “true, correct, and complete,” and acknowledge by his or her signature that “making any false oral or written statement . . . is a crime punishable as a felony under Federal law, and may also violate State and/or local law.”

17. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person was not prohibited from purchasing a firearm. For example, convicted felons are persons prohibited by law from buying firearms.

18. A person who purchases a firearm at the behest of another person and falsely states on the Form 4473 that he or she is the actual buyer of the firearm is known as a “straw purchaser.”

19. From on or about December 21, 2019, through on or about January 12, 2020, in the Eastern District of Pennsylvania and elsewhere, defendant

SAMIR MATEEN,

conspired and agreed with others known to the grand jury, namely Person 1, Person 2, and Person 3, to commit an offense against the United States, that is, to make false statements with

respect to the information required to be kept in the records of a federally licensed firearms dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

20. Defendant SAMIR MATEEN received money from Person 1, Person 2, and Person 3 to purchase firearms for them from FFL holders. Defendant MATEEN purchased firearms with the money given to him by Person 1, Person 2, and Person 3 and when doing so, falsely stated on the Form 4473 that he completed for each purchase that he was the actual purchaser of the firearms.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania or elsewhere:

1. On or about December 21, 2019:
 - a. Defendant SAMIR MATEEN travelled with Person 1 from Philadelphia to the Oaks Gun Show in Oaks, Pennsylvania to straw purchase firearms.
 - b. Defendant MATEEN obtained money from Person 1 to straw purchase firearms.
 - c. Defendant MATEEN purchased a Smith and Wesson, Model SD9VE, 9mm pistol, bearing serial number FZN7645, and a Ruger, Model P85, 9mm pistol, bearing serial number 303-63817, for Person 1 from Auger Precision Arms, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 1833 Oakmont Street, Philadelphia, Pennsylvania.

d. Defendant MATEEN purchased a Springfield, Model XDS, .45 caliber pistol, bearing serial number S3183962, for Person 1 from Bubbee's Gun and Sport, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearm and that his home address was 1833 Oakmont Street, Philadelphia, Pennsylvania.

e. After purchasing the firearms, defendant MATEEN gave them to Person 1.

2. On or about December 22, 2019:

a. Defendant MATEEN travelled with Person 1 from Philadelphia to the Oaks Gun Show in Oaks, Pennsylvania.

b. Person 2 and Person 3 also came to the gun show, and all three persons provided defendant MATEEN with money to straw purchase firearms.

c. Defendant MATEEN purchased a SCCY, Model CPX-1, 9mm pistol, bearing serial number 809607, and a Taurus, Model G2C, 9mm pistol, bearing serial number TMT02603, from Steele's Arms, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 1833 Oakmont Street, Philadelphia, Pennsylvania.

d. Defendant MATEEN purchased a Taurus, Model G3, 9mm pistol, bearing serial number TMW76345, a Taurus, Model G2C, 9mm pistol, bearing serial number TMT34528, and a Taurus, Model G2C, 9mm pistol, bearing serial number TMR19825, from Tech Ops International, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 1833 Oakmont Street, Philadelphia, Pennsylvania.

e. Defendant MATEEN purchased a Taurus, Model G2S, 9mm pistol, bearing serial number TLU40398, from Backwoods Outfitters, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearm and that his home address was 1833 Oakmont Street, Philadelphia, Pennsylvania.

f. Defendant MATEEN purchased a Taurus, Model G2C, 9mm pistol, bearing serial number TMT34134, from N.M., falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearm and that his home address was 1833 Oakmont Street, Philadelphia, Pennsylvania.

g. Person 1, Person 2, and Person 3 took possession of the firearms after the purchases were completed.

3. On or about December 28, 2019:

a. Defendant MATEEN met Person 1, Person 2, and Person 3 at the Eagle Arms Gun Show in Allentown, Pennsylvania.

b. All three persons gave defendant MATEEN money to straw purchase firearms.

c. Defendant MATEEN purchased a Taurus, Model PT145, .45 caliber pistol, bearing serial number NV850490, from Drumbore Sales, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearm.

d. Defendant MATEEN purchased a Glock, Model 22, .40 caliber pistol, bearing serial number UCA086, a Taurus, Model 608, .357 caliber pistol, bearing serial number MR74203, a Taurus, Model G2S, .40 caliber pistol, bearing serial number SMD61478, and a Taurus, Model G2S, 9mm pistol, bearing serial number TMP40175, from Scott's Guns and

Ammo, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 1833 Oakmont Street, Philadelphia, Pennsylvania.

e. Defendant MATEEN purchased a Smith and Wesson, Model M&P 40, .40 caliber pistol, bearing serial number HYO4738, a Glock, Model 23, .40 caliber pistol, bearing serial number MZA538, a Taurus, Model G2C, 9mm pistol, bearing serial number TMS76161, and a F.N., Model Five-Seven, 5.7mm pistol, bearing serial number 386360002, from Bubbee's Gun and Sport, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 1833 Oakmont Street, Philadelphia, Pennsylvania.

f. Defendant MATEEN purchased a Glock, Model 19, 9mm pistol, bearing serial number WCG428, and a Smith and Wesson, Model SD9VE, 9mm pistol, bearing serial number FYE1604, from J.R., falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 1833 Oakmont Street, Philadelphia, Pennsylvania.

g. Person 1, Person 2, and Person 3 took possession of the firearms after the purchases were completed.

4. On or about January 4, 2020:

a. Defendant MATEEN met Person 2 and Person 3 in Philadelphia and drove with them to the Eagle Arms Gun Show in Lebanon, Pennsylvania.

b. Person 2 and Person 3 gave defendant MATEEN money to straw purchase firearms.

c. Defendant MATEEN purchased a HS Produkt, Model XD40, .40 caliber pistol, bearing serial number US156699, and a HS Product, Model XD9 Compact, 9mm

pistol, bearing serial number XD865068, from J.R., falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 11 Church Road, Elkins Park, Pennsylvania.

d. Defendant MATEEN purchased a HS Produkt, Model XD Mod 2, 9mm pistol, bearing serial number GM991682, a Taurus, Model G2C, 9mm pistol, bearing serial number TMU75933, and a Canik, Model TP-9SA, 9mm pistol, bearing serial number T6472-15AP17057, from Blue Ridge Outfitters, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 11 Church Road, Elkins Park, Pennsylvania.

e. Defendant MATEEN purchased a Taurus, Model PT709 Slim, 9mm pistol, bearing serial number TFR06185, and a Taurus, Model G2C, 9mm pistol, bearing serial number TMR91713, from Haycock Hollow Arms, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 11 Church Road, Elkins Park, Pennsylvania.

f. Defendant MATEEN purchased a Taurus, Model G2S, 9mm pistol, bearing serial number TLU36339, and a Smith and Wesson, Model M&P Shield, .45 caliber pistol, bearing serial number HDW3918, from Petronio Family Firearms, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 11 Church Road, Elkins Park, Pennsylvania.

g. Defendant MATEEN purchased a F.N., Model FNS9, 9mm pistol, bearing serial number GKU0051882, from Petronio Family Firearms, falsely stating on a separate Form 4473 for the purchase that he was the actual buyer of the firearm and that his home address was 11 Church Road, Elkins Park, Pennsylvania.

h. Person 2 and/or Person 3 took possession of the firearms after the purchases were completed.

5. On or about January 5, 2020:

a. Defendant MATEEN met Person 2 and Person 3 in Philadelphia and drove with them to Leesport, Pennsylvania.

b. Upon arriving in Leesport, Person 2 and Person 3 gave defendant MATEEN money to straw purchase firearms.

c. While in Leesport, defendant MATEEN purchased a Smith and Wesson, Model SD40, .40 caliber pistol, bearing serial number FZL7800, a Taurus 9mm pistol, bearing serial number TMS01681, another Taurus 9mm pistol, bearing serial number TMW83540, and a Romarm, Model Draco, 7.62mm pistol, bearing serial number PMD-16431-19, from Steele's Arms, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 11 Church Road, Elkins Park, Pennsylvania.

d. Defendant MATEEN, Person 2, and Person 3 then drove to the Eagle Arms Gun Show in Lebanon, Pennsylvania.

e. While in Lebanon, defendant MATEEN purchased a Ruger, Model Security 9, 9mm pistol, bearing serial number 382-75216, and a Glock, Model 26, 9mm pistol, bearing serial number UFL456, from Haycock Hollow Arms, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 11 Church Road, Elkins Park, Pennsylvania.

f. Defendant MATEEN purchased a Ruger, Model LCP, .38 caliber pistol, bearing serial number 372248180, a Ruger, Model American Pistol, 9mm pistol, bearing serial number 860-74865, a Taurus 9mm pistol, bearing serial number TMG27044, and a Taurus,

Model PT945, .45 caliber pistol, bearing serial number NOC54862, from Eagle Arms Sport Shop, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearms and that his home address was 11 Church Road, Elkins Park, Pennsylvania.

g. Person 2 and/or Person 3 took possession of the firearms after the purchases were completed.

6. On or about the week of January 5-12, 2020, Person 1 called defendant MATEEN and arranged for him to travel with Person 2 to a gun show to straw purchase a Glock, Model 27 for Person 1.

7. On or about January 12, 2020:

a. Defendant MATEEN and Person 2 drove to the Eagle Arms Gun Show in Lake Harmony, Pennsylvania.

b. Upon arriving in Lake Harmony, Person 2 gave defendant MATEEN money to straw purchase a Glock, Model 27 for Person 1.

c. Defendant MATEEN straw purchased a Glock, Model 27, .40 caliber pistol, bearing serial number PTM639, from RJ Welch Firearms, falsely stating on the Form 4473 for the purchase that he was the actual buyer of the firearm and that his home address was 11 Church Road, Elkins Park, Pennsylvania.

d. Defendant MATEEN and Person 2 drove back to Philadelphia, and MATEEN subsequently delivered the Glock firearm to Person 1.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 20 of Count One and Overt Acts 1, 2, 3, and 5(a.-c.) of Count One are incorporated herein.
2. On or about the dates listed below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

SAMIR MATEEN,

in connection with the acquisition of each of the firearms listed below from the FFL holder listed below, knowingly made false statements and representations with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, in that defendant MATEEN falsely certified on the Form 4473, Firearms Transaction Record, that he was the actual purchaser of the firearms listed on the Form 4473, when in fact defendant MATEEN knew these statements were false and fictitious, in that MATEEN knew he was purchasing the firearms for Person 1, Person 2, and Person 3 (each falsely certified form constituting a separate offense). Moreover, with respect to Counts 2 through 7 and Counts 9 through 12, defendant MATEEN falsely claimed he lived at an address different than his actual residence.

Count	Date	FFL Holder and Sale Location	Firearms
2	December 21, 2019	Auger Precision Arms (Oaks, Pennsylvania)	Smith and Wesson, Model SD9VE, 9mm pistol, bearing serial number FZN7645; and Ruger, Model P85, 9mm pistol, bearing serial number 303-63817
3	December 21, 2019	Bubbee's Gun and Sport (Oaks, Pennsylvania)	Springfield, Model XDS, .45 caliber pistol, bearing serial number S3183962
4	December 22, 2019	Steele's Arms (Oaks, Pennsylvania)	SCCY, Model CPX-1, 9mm pistol, bearing serial number 809607; and Taurus, Model G2C, 9mm pistol, bearing serial number TMT02603
5	December 22, 2019	Tech Ops International (Oaks, Pennsylvania)	Taurus, Model G3, 9mm pistol, bearing serial number TMW76345; Taurus, Model G2C, 9mm pistol, bearing serial number TMT34528; and Taurus, Model G2C, 9mm pistol, bearing serial number TMR19825
6	December 22, 2019	Backwoods Outfitters (Oaks, Pennsylvania)	Taurus, Model G2S, 9mm pistol, bearing serial number TLU40398
7	December 22, 2019	N.M. (Oaks, Pennsylvania)	Taurus, Model G2C, 9mm pistol, bearing serial number TMT34134
8	December 28, 2019	Drumbore Sales (Allentown, Pennsylvania)	Taurus, Model PT145, .45 caliber pistol, bearing serial number NV850490

Count	Date	FFL Holder and Sale Location	Firearms
9	December 28, 2019	Scott's Guns and Ammo (Allentown, Pennsylvania)	<p>Glock, Model 22, .40 caliber pistol, bearing serial number UCA086;</p> <p>Taurus, Model 608, .357 caliber pistol, bearing serial number MR74203;</p> <p>Taurus, Model G2S, .40 caliber pistol, bearing serial number SMD61478; and</p> <p>Taurus, Model G2S, 9mm pistol, bearing serial number TMP40175</p>
10	December 28, 2019	Bubbee's Gun and Sport (Allentown, Pennsylvania)	<p>Smith and Wesson, Model M&P 40, .40 caliber pistol, bearing serial number HYO4738;</p> <p>Glock, Model 23, .40 caliber pistol, bearing serial number MZA538;</p> <p>Taurus, Model G2C, 9mm pistol, bearing serial number TMS76161; and</p> <p>F.N., Model Five-Seven, 5.7mm pistol, bearing serial number 386360002</p>
11	December 28, 2019	J.R. (Allentown, Pennsylvania)	<p>Glock, Model 19, 9mm pistol, bearing serial number WCG428; and</p> <p>Smith and Wesson, Model SD9VE, 9mm pistol, bearing serial number FYE1604</p>

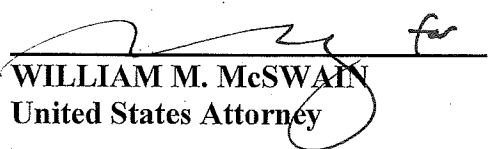
Count	Date	FFL Holder and Sale Location	Firearms
12	January 5, 2020	Steele's Arms (Leesport, Pennsylvania)	Smith and Wesson, Model SD40, .40 caliber pistol, bearing serial number FZL7800; Taurus 9mm pistol, bearing serial number TMS01681; Taurus 9mm pistol, bearing serial number TMW83540; and Romarm, Model Draco, 7.62mm pistol, bearing serial number PMD-16431-19

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

A TRUE BILL:



FOREPERSON


WILLIAM M. McSWAIN
United States Attorney

No. _____

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

SAMIR MATEEN

INDICTMENT

Counts

18 U.S.C. § 371 (conspiracy – 1 count)

18 U.S.C. § 924(a)(1)(A) (knowingly making false statements to a federal firearms licensee – 11 counts)

A true bill.

Foreman

Filed in open court this _____ day,
Of _____ A.D. 20 _____

Clerk

Bail, \$ _____